

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

U.S.A. vs. Tremayne Navaris Carmichael

Docket No. 5:06-CR-9-1H

Petition for Action on Supervised Release

COMES NOW Julie Wise Rosa, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Tremayne Navaris Carmichael, who, upon an earlier plea of guilty to Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1) and 924 was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on December 5, 2006, to the custody of the Bureau of Prisons for a term of 72 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation office.
2. The defendant shall provide the probation office with access to any requested financial information.
3. The defendant shall participate as directed in a program approved by the probation office for the treatment of drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measure or residence or participation in a residential treatment facility.
4. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
5. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
6. The defendant shall file personal income tax returns for all future years as provided by law.
7. The defendant shall submit a written weekly report to the probation office, if not regularly employed, of attempts to secure gainful employment.
8. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

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RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Tremayne Navaris Carmichael was released from custody on November 18, 2011, at which time the term of supervised release commenced. On December 22, 2013, Carmichael was charged in Wayne County with Assault on a Female (13CR55419), Resisting a Public Officer (13CR55418), and Expired Registration Card or Tag (13CR705829) after he and his child's mother were involved in a domestic matter. Additionally, on January 10, 2014, Carmichael tested positive for the use of cocaine. The probation officer reprimanded the defendant for his actions and directed Carmichael to complete anger management counseling. Should the pending charges result in a conviction, the court will be notified to determine if further action is appropriate. In addition to counseling and drug testing, the probation officer requests that the defendant's conditions of release be modified to include the DROPS Program. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/Michael C. Brittain
Michael C. Brittain
Senior U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/Julie Wise Rosa
Julie Wise Rosa
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: January 31, 2014

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ORDER OF COURT

Considered and ordered this 3rd day of February, 2014, and ordered filed and made a part of the records in the above case.

Malcolm J. Howard
Malcolm J. Howard
Senior U.S. District Judge